

DRAFT**RESOLUTION 20xx-xxx****RESOLUTION AUTHORIZING ISSUANCE OF A
NON-APPEALABLE COASTAL DEVELOPMENT
PERMIT TO LOCKHEED MARTIN CORPORATION
FOR THE “LOCKHEED MARTIN HARBOR ISLAND
FACILITIES DEMOLITION AND SEDIMENT
REMIEDIATION PROJECT”**

WHEREAS, the San Diego Unified Port District (District) is a public corporation created by the Legislature in 1962 pursuant to Harbors and Navigation Code Appendix I (Port Act); and

WHEREAS, Lockheed Martin Corporation (“Lockheed”), as the project applicant and project proponent, proposes the demolition of the existing Lockheed Martin Marine Terminal Facilities (“MTF”) and the remediation of contaminated sediment in the Harbor Island East Basin of San Diego Bay located at 1160 Harbor Island Drive in the City of San Diego (“Proposed Project”); and

WHEREAS, the Proposed Project includes demolition and removal of existing MTF infrastructure, including the pier, the marine railway, the Marine Terminal Building, and accessory buildings and sheds, and abatement of the effects of pollutants discharged to San Diego Bay within the Project area; and

WHEREAS, the Proposed Project would permit Lockheed to (1) satisfy end of lease obligations with the District, comply with Cleanup and Abatement Order R9-2017-0021, and (2) comply with the Settlement Agreement between the District, General Dynamics Corporation, and Lockheed Martin Corporation (“Settlement”); and

WHEREAS, as the Lead Agency under the California Environmental Quality Act (“CEQA”), the District determined the Project required an Environmental Impact Report (“EIR”); and

WHEREAS, a Draft EIR was prepared and circulated for public review and comment beginning on July 31, 2020 and ending September 14, 2020; during this review period, the District received five comment letters; and

WHEREAS, the comment letters and responses to all written comments received on the Draft EIR are included in the Final EIR; and

WHEREAS, the Final EIR and Mitigation Monitoring and Reporting Program (“MMRP”) were prepared in accordance with CEQA, the State CEQA Guidelines, and the District’s Guidelines for Compliance with CEQA; and

20xx-xxx

WHEREAS, the Final EIR and MMRP (as part of the Final EIR) were provided to the Board of Port Commissioners ("Board") via a memorandum to the Board dated October 29, 2020; and

WHEREAS, the Board, consistent with the requirements of CEQA and via separate resolutions, certified the Final EIR as compliant with CEQA, the CEQA Guidelines and the District's CEQA Guidelines, adopted the MMRP, and adopted CEQA Findings of Fact and a Statement of Overriding Considerations; and

WHEREAS, pursuant to the District's Coastal Development Permit ("CDP") Regulations and the California Coastal Act, the issuance of a Non-Appealable CDP is required; and

WHEREAS, as conditioned, the Proposed Project is consistent with the certified Port Master Plan ("PMP"); and

WHEREAS, staff recommends the Board adopt a resolution authorizing the issuance of a Non-Appealable CDP.

NOW, THEREFORE, BE IT RESOLVED by the Board of the San Diego Unified Port District, as follows:

1. The Board finds the facts recited above are true and further finds that this Board has jurisdiction to consider, approve and adopt the subject of this Resolution.
2. In general, the Proposed Project consists of the demolition and removal of existing MTF infrastructure, including the pier, the marine railway, the Marine Terminal Building, and accessory buildings and sheds, and abatement of the effects of pollutants discharged to San Diego Bay within the Proposed Project area.
3. The Proposed Project is located within the East Harbor Island and East Basin Industrial Subareas of Planning District 2, Harbor Island/Lindbergh Field, which is delineated on Precise Plan Map Figure 10 of the certified PMP. The PMP land and water use designations within the limits of these portions of the Proposed Project are Industrial Business Park, Specialized Berthing, Boat Navigation Corridor, and Recreational Boat Berthing.
4. The Proposed Project is located between the sea (as defined in the California Coastal Act) and the first inland continuous public road paralleling the sea. The Proposed Project is fully consistent with Public Resources Code Sections 30604(c), 30210-30224, and all applicable California Coastal Act policies. The Proposed Project would not affect or otherwise interfere with public access or recreational opportunities, including boat navigation, if performed in accordance

20xx-xxx

with the Draft Remedial Action Plan and pursuant to the conditions imposed by the CDP. The Proposed Project therefore conforms to the planned land and water use designations and Precise Plan text and is thus consistent with the certified PMP. Based on this finding, a CDP may be issued.

5. In accordance with the California Coastal Act and the District's CDP Regulations, the Proposed Project is considered "Non-Appealable" because it does not qualify as an "Excluded," "Appealable," or "Emergency" development. Special conditions are incorporated into the CDP to ensure compliance with the Settlement, Cleanup and Abatement Order No. R9-2017-0021, and applicable mitigation measures, as required by the MMRP included in the Final EIR prepared for the Proposed Project.

6. The Board also hereby finds that the proposed action or project complies with Section 87 of the Port Act. Section 87 of the Port Act expressly allows for the construction, reconstruction, repair, maintenance, and operation of public buildings, public assembly and meeting places, convention centers, parks, playgrounds, bathhouses and bathing facilities, recreation and fishing piers, public recreation facilities, including, but not limited to, public golf courses, and for all works, buildings, facilities, utilities, structures, and appliances incidental, necessary, or convenient for the promotion and accommodation of any of those uses. The Port Act was enacted by the California Legislature and is consistent with the Public Trust Doctrine. Accordingly, the Board also finds the proposed action or project is consistent with the Public Trust doctrine.

7. Based on the entire record available to the Board and the findings set forth in this Resolution, the Executive Director or her designated representative is hereby authorized and directed to issue a Non-Appealable CDP for the "Lockheed Martin Harbor Island Facilities Demolition and Sediment Remediation Project." Said Non-Appealable CDP shall require compliance with all the conditions set forth in the Non-Appealable CDP.

APPROVED AS TO FORM AND LEGALITY:
GENERAL COUNSEL

By: Assistant/Deputy

PASSED AND ADOPTED by the Board of Port Commissioners of the San Diego Unified Port District, this 10th day of November 2020, by the following vote: